

New York State Department of Labor

Consolidated Funding Application Worker Skills Upgrading

Request for Proposals

Issue Date: May 14, 2012

Submission Deadline: July 16, 2012, 4:00 PM Eastern Time

The New York State Department of Labor is an Equal Opportunity Employer. Auxiliary aids and services are available upon request to individuals with disabilities.

I. Introduction

A. Background

As part of a historic initiative that has transformed New York State's model for economic development and job creation, Governor Cuomo and the New York State Department of Labor (DOL) are announcing the release of a funding opportunity under the New York State Consolidated Funding Application (CFA). Marking a fundamental shift in how economic development resources are allocated, the CFA serves as a more efficient and effective tool to generate sustainable economic growth and employment opportunities across the state.

To support the Governor's transformative plans to improve New York's business climate and stimulate economic growth, ten Regional Economic Development Councils (REDCs) were created. The REDCs use the CFA as the primary mechanism to fund projects that demonstrate the greatest potential for job creation and economic opportunity. Each REDC's vision for their respective region is described in a five year strategic plan, copies of which can be viewed by visiting Governor Cuomo's homepage, which can be accessed at <http://www.governor.ny.gov/>, and right clicking the "Regional Economic Development Councils" button.

It is important for applicants to know that workforce development projects submitted for funding consideration under the Department's solicitation will be scored in part (accounting for up to 20 points) by each region's REDC. This part of the review will be conducted to assess how proposed projects measure up and align with the REDC's strategic plan for the region. Although projects that do not align with the strategic plans will still be eligible for funding consideration, clearly those that align more closely with the region's strategic plan will score more favorably in the review process. Therefore applicants are encouraged to review the strategic plans to determine how practical it will be to align their projects with the REDC's vision for the region.

DOL and seven other state agencies and authorities have pooled resources to be made available through the CFA, including: Empire State Development; New York State Canal Corporation; Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Parks, Recreation, and Historic Preservation; and Department of State.

B. Purpose

DOL makes up to \$5 million in Workforce Investment Act (WIA) funding available through this Request for Proposals (RFP) to support three Worker Skills Upgrading programs:

1. Existing Employee Training Program;
2. New Hire Training Program; and
3. Unemployed Worker Training Program.

The purpose of these programs is to address lay-off aversion by training existing employees who are at risk of losing their jobs unless they obtain skills upgrading; and training long term unemployed individuals who require training upon being hired or classroom based skills upgrading to be qualified to be hired. These programs also support workforce needs of strategic plans of the Governor's Regional Economic Development Councils.

Eligible applicants are private sector for-profit and not-for-profit businesses, including LLPs and LLCs, who are: registered with the NYS Department of State Division of Corporations; have four or more employees; and who are in good standing regarding Unemployment Insurance, Worker Adjustment and Retraining Notification Act (WARN), public works, labor standards, safety and health, Worker Compensation Insurance and Disability Insurance. Additionally, training providers are eligible to apply for funding consideration, as a training provider, under the Unemployed Worker Training Program. Unincorporated Workforce Investment Boards interested in applying under this offering must designate the local area's WIA Grant Recipient as the official grantee for any award under this offering.

Award amounts will not exceed \$100,000.00, with per trainee cost charged to the grant not to exceed \$5,000.00. If the applicant is applying for funding under more than one of the programs under the RFP, the total amount to be awarded by the Department for all projects will not exceed \$100,000.00.

Please be advised applications that request more than the maximum allowable award amount of \$100,000 will be reviewed and scored by DOL. However, if, based on the resulting score, an award is made, DOL contract development staff will negotiate with the applicant to reduce the cost and scope of the project to fit within the \$100,000 award cap. Failure to design a training project that will remain viable and meaningful in the face of such reductions, may result in an inability to proceed with development of the contract. Therefore, it is highly recommended that applicants keep the cost and scope of their training projects within the \$100,000 award cap.

The Department reserves the right to request additional information from submitters during the scoring process if project or budget information provided is unclear.

If at any time prior or after an award is issued, the applicant reduces the number of trainees to be served; the funding may be proportionately reduced.

C. Department Responsibilities

DOL's Division of Employment and Workforce Solutions will oversee the implementation of the contract(s) resulting from this RFP. Program staff will also maintain contact with the selected business(es) and monitor progress and performance of the contract(s). Funding for the activities outlined in this RFP will come from federal funds and is subject to State and federal legislative appropriation.

II. Process for Proposal Submission

A. Questions Concerning This RFP

Applicants may submit questions via electronic mail (labor.sm.dews.CFA@labor.ny.gov). Questions regarding this RFP will be accepted no later than July 2, 2012. No telephone inquiries will be accepted. All inquiries should include the following reference: Consolidated Funding Application RFP. Answers to all questions will be posted on DOL's web site (<http://labor.ny.gov/businessservices/funding.shtm>) on an ongoing basis, with the final posting taking place no later than July 9, 2012.

B. Proposal Due Date and Forwarding Instructions

Proposals must be received no later than 4:00 PM Eastern time on July 16, 2012. Any proposals or unsolicited amendments to proposals received after the due date and time will not be considered in the review process. No faxed or hard copy documents will be accepted. Applicants must complete a Consolidated Funding Application (CFA) and submit it to DOL electronically. If the applicant does not have the technological capability to access, complete and submit the CFA, they may do so at their nearest One-Stop Center (please find the location nearest to you on our web site: <http://labor.ny.gov/workforcenypartners/osview.asp>). The CFA is available on-line at <http://nyworks.ny.gov>.

The CFA has attachments which must be completed, signed and submitted to DOL in hard copy by mail. These attachments must be received no later than 4:00 PM Eastern time on July 23, 2012. The attachments are:

- [Responsibility Questionnaire](#);
- [Federal and State Certifications](#);
- [Notice to Individuals Submitting Applications](#);
- [Application for a Competitively Bid Contract](#);
- [Appendix C – General Terms and Conditions](#) – the Minority and Women-Owned Business Enterprises/Equal Employment Opportunity Policy Statement (this is found on the last three pages of the Appendix C document);
- [Equal Employment Opportunity Staffing Plan](#);
- [MWBE Utilization Plan](#)*;
- [Application for Waiver of MWBE Participation Goal](#)*; and
- [Master List of Trainees](#) (Existing Employee Training Program only).

*The MWBE Utilization Plan should list the MWBEs the Contractor intends to use to perform the contract with New York State (should your application be awarded). If your organization will not be using any subcontractors or suppliers to fulfill services or will be unable to meet the MWBE Goals, you must still submit the completed and signed MWBE Utilization plan with your organization's information (name, address, FEIN, etc). Please note that if you will not be using any subcontractors or suppliers to fulfill services or will be unable to meet the MWBE Goals, you are required to submit an Application for Waiver of MWBE Participation Goal.

The above-listed forms must be sent to:

Andrew Gehr
Workforce Programs Specialist
Division of Employment and Workforce Solutions
New York State Department of Labor
State Office Campus
Building 12, Room 440
Albany, New York 12240

C. RFP Timetable

- RFP Release Date – May 14, 2012.
- Deadline Date for Questions – July 2, 2012.
- Final Date for Responses to Questions – July 9, 2012.
- Proposal Due Date – July 16, 2012, 4:00 PM Eastern time.
- Attachment Due Date – July 23, 2012, 4:00 PM Eastern time.
- Projected Date of Notification of Award – October 1, 2012.

All applicants will receive a written decision on their proposal and successful applicants will be contacted by DOL contract development staff. Applicants who receive an award must be prepared to enter into contract negotiations immediately, and begin training upon execution of the contract.

DOL reserves the right to rescind the award of any grantee that is unable or unwilling to begin conducting their training activities immediately following contract execution.

Eligible applicants may speak with a One-Stop Career system Business Services Representative (BSR) for technical assistance or support during the development of the proposal. BSRs can be reached by contacting the local One-Stop Center (please see the list of Centers on DOL's web site: <http://labor.ny.gov/workforcenypartners/osview.asp>). Please complete all of the fields in the CFA document.

All businesses, as a condition to receiving funds under this program, must list job openings (to the extent applicable) during the contract period with NYSDOL's Job Bank. To post a job order, please visit: <http://www.labor.ny.gov/businessservices/services/perm.shtm>

Applicants must comply with: Appendix A – Standard Clauses for all New York State Contracts; and Appendix C – New York State Department of Labor General Terms and Conditions, which will be incorporated into the contract of a successful applicant.

Additional, specific information on each of these funding options, including Program Descriptions, Descriptions of Services Sought, Proposal Requirements, Selection Process and Evaluation Criteria, is available at the following links:

1. [Existing Employee Training](#)
2. [New Hire Employee Training](#)
3. [Unemployed Workers Training](#)

III. Minority and Women Owned Business Enterprises Requirements

The following provides contractor requirements and procedures for equal employment and business participation opportunities for minority group members and New York State Certified Minority and Women Owned Business Enterprises (MWBE). Note that your proposal must include form MWBE 100 – MWBE Utilization Plan (attachment), which should list the MWBEs the Contractor intends to use to perform the State contract.

Policy Statement

Pursuant to New York State Executive Law Article 15-A, DOL recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of DOL contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" (the "Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority and women-owned business enterprises in state procurement contracting versus the number of minority and women-owned business enterprises that were ready, willing, and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOL establishes goals for maximum feasible participation of New York State Certified MWBEs and the employment of minority groups members and women in the performance of New York State contracts.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of Appendix A including: Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to this contract; or (ii) employment outside New York State.

Bidder further agrees to submit with the bid (due by mail by 4:00 PM Eastern Time on July 23, 2012) a EEO Staffing Plan (Form #EEO 100) identifying the anticipated work force to be utilized on the Contract, and if awarded a contract, will, upon request, submit to the Authorized User, a Workforce Employment Utilization/Compliance Report (Form # EEO 101) identifying the workforce actually utilized on the Contract if known.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status, or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Business Participation Opportunities for New York State Certified Minority-and Women-Owned Business Enterprises (MWBE)

For purposes of this procurement, DOL hereby establishes an overall goal of 20% for Minority and Women-Owned Business Enterprises (MWBE) participation, 11% for Minority-Owned Business Enterprises ("MBE") participation, and 9% for Women-Owned Business Enterprises ("WBE") participation. A Contractor must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of this contract, and Contractor agrees that DOL may withhold payment pending receipt of the required MWBE documentation. The directory of New York State Certified MWBEs can be viewed at: <http://www.esd.ny.gov/MWBE.html>. For guidance on how DOL will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8.

In accordance with 5 NYCRR §142.13, Bidder/Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and DOL may withhold payment from the Contractor as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved its contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, Bidder/Contractor agrees to submit the following documents and information as evidence of compliance with the foregoing:

- A. Bidders are required to submit a MWBE Utilization Plan on Form #MWBE 100 with their bid or proposal (due by mail by 4:00 PM Eastern Time on July 23, 2012). The MWBE Utilization Plan shall list the MWBEs the Contractor intends to use to perform the State contract, a description of the Contract scope of work that the Contractor intends to structure to meet the MWBE goals contained in the State contract, and the estimated or, if known, actual dollar amounts to be paid to, and performance dates of, each component of a State Contract that the Contractor intends to be performed by a NYS Certified minority- or woman-owned business. Any modifications or changes to the agreed participation by NYS Certified MWBEs after the Contract Award, and during the term of the Contract, must be reported on a revised MWBE Utilization Plan and submitted to DOL.
- B. DOL will review the submitted MWBE Utilization Plan and advise the Bidder of DOL's acceptance, or issue a notice of deficiency within 20 days of receipt.
- C. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to DOL (at the address/fax provided for submitting EEO 101 forms on the next page), a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DOL to be inadequate, DOL shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals on Form MWBE 101. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.
- D. DOL may disqualify a Bidder as being non-responsive under the following circumstances:
 - a. If a Bidder fails to submit a MWBE Utilization Plan;
 - b. If a Bidder fails to submit a written remedy to a notice of deficiency;
 - c. If a Bidder fails to submit a request for waiver; or
 - d. If DOL determines that the Bidder has failed to document good faith efforts.

A Bidder who documents good faith efforts to meet the goal requirements may submit a request for a partial or total waiver on Form MWBE 101, at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan, and is not accepted by DOL at that time, the provisions of clauses B-D above, will apply.

Contractors shall attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOL, but must be made no later than prior to the submission of a request for final payment on the Contract.

Contractors are required to submit a Contractor's Quarterly Compliance & Payment Report on Form EEO 101 by the 10th day following the end of each quarter during the term of the Contract, documenting the progress made toward achievement of the MWBE goals of the Contract to:

Division of Equal Opportunity Development
MWBE Administrator

NYS Dept. of Labor
State Office Campus
Building 12, Room 540
Albany, NY 12240,
518-457-1984 or fax 518-485-2575

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility, and/or a breach of the Contract, leading to the withholding of funds, suspension, or termination of the contract or such other actions or enforcement proceedings as allowed by the Contract.